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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/517,795

08/26/2005

Martin Vido

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21999 7590 05/16/2007

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EXAMINER

CHRISS, JENNIFER A

ART UNIT

PAPER NUMBER

1771

MAIL DATE

DELIVERY MODE

05/16/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/517,795	Applicant(s) VIDO, MARTIN	
	Examiner Jennifer A. Chriss	Art Unit 1771	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>1/13/05</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1 – 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Qureshi et al. (US 2003/0049986 A1) in view of Goldade et al. (GB 2,187,466).

Qureshi et al. is directed to a protective woven fabric with crease retention (Title).

As to claims 1 - 2, Qureshi et al. teach a protective wrap 1 comprising a flexible woven substrate 2 which is bordered on its upper surface by an outer barrier layer 3 and on its lower surface by an inner barrier layer 4 (page 2, [0033]). The inner and outer barrier layers preferably comprise polypropylene (page 4, [0055]). According to claim 9, Qureshi et al. teach that the woven substrate can be considered a scrim. Qureshi et al. teach that the inner barrier layer is impregnated with a vapor phase corrosion inhibitor (page 4, [0050]). Qureshi et al. teach particularly useful VCIs are those that do not contain nitrite compounds, for example, amine benzoates (according to page 4 of Applicant's Specification, a benzoate is a "contact corrosion inhibitor), amine nitrates or benzotriazole. Such compositions are commercially available from Cortec Corporation, Cromwell Phoenix, Northern Technologies Incorporated and Zerust Corporation (page4, [0050]). Qureshi et al. teach the use of 0.5 – 10% by weight of corrosion inhibitor to provide a high level of inhibition for an appropriate length of time (page 3, [0047]).

As to claims 3 and 5, Qureshi et al. teach that the woven substrate can comprise polypropylene oriented tapes (page 3, [0039]).

As to claim 4, Qureshi et al. teach that other useable polyolefins include high density polyethylene (page 4, [0054]).

As to claim 6, Qureshi et al. teach that the scrim has 11 tapes per inch in the warp direction and 6 tapes per inch in the weft direction (page 3, [0041]).

As to claim 7, Qureshi et al. teach that the wrap has a weight of 4 ounces per square yard (136 grams per square meter). In light of this, the Examiner submits that the scrim would have a weight within Applicant's claimed range.

As to claim 8, Qureshi et al. teach that the thickness of the inner barrier layer is between 0.0005 – 0.003 inches (0.5 – 3 mils) (page 4, [0051]). It should be noted that this is the exact claimed range by Applicant.

As to claims 9, 11, 13 and 15, Qureshi et al. teach that the inner and outer barrier layers can comprise low density polyethylene (LDPE) or can comprise polypropylene or mixtures thereof (page 4, [0055]).

As to claim 12, Qureshi et al. teach that the thickness of the outer barrier layer is between 0.0005 – 0.003 inches (0.5 – 3 mils) (page 3, [0043]). It should be noted that this is the exact claimed range by Applicant.

Qureshi et al. teach the claimed invention above but fail to specifically teach the combination of 0.5 – 15% by weight of contact corrosion inhibitor and 0.1 – 0.9% by weight of a volatile inhibitor.

Goldade et al. is directed to an anticorrosive material consisting of polyethylene and containing an oil-solvable corrosion inhibitor having a mixture of contact and volatile corrosion inhibitors, wherein the inhibitor is present in the mass in an amount ranging from 2 – 50% (Abstract).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to incorporate both a contact corrosion inhibitor and a volatile corrosion inhibitor as suggested by GB 2,187,466 in the inner barrier layer of Qureshi et al. motivated by the desire to provide corrosion resistance immediately adjacent and contacting the wrap and to hard to reach areas for sufficient corrosion protection.

Qureshi et al. in view of Goldade et al. fail to teach 0.5 – 15% by weight of contact corrosion inhibitor and 0.1 – 0.9% by weight of volatile corrosion inhibitor. It would have been obvious to one of ordinary skill in the art at the time the invention was made to optimize the amounts of contact and volatile corrosion inhibitor since it has been held that, where the general conditions of a claim are disclosed in the prior art, it is not inventive to discover the optimum or workable ranges by routine experimentation. *In re Aller*, 220 F.2d 454, 456, 105 USPQ 233, 235 (CCPA 1955). The burden is upon the Applicant to demonstrate that the claimed percentages of contact and volatile corrosion inhibitor is critical and has unexpected results. In the present invention, one would have been motivated to optimize the amount of contact and volatile corrosion inhibitor motivated by the desire to provide an appropriate level of protection to a metal for the desired length of time.

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As to claims 10 and 14, Qureshi et al. teach that the inner and outer barrier layers can comprise low density polyethylene (LDPE) or can comprise polypropylene or mixtures thereof (page 4, [0055]) but Qureshi et al. in view of Goldade et al. fail to teach the mixture can contain linear low density polyethylene. It would have been obvious to one having ordinary skill in the art at the time the invention was made to make the inner and outer barrier layers with a combination of linear low density polyethylene and low density polyethylene material, because it has been held to be within the general skill of a worker in the art to select a known material on the basis of its suitability and desired characteristics. *In re Leshin*, 125 USPQ 416. In the present invention, one would have been motivated to combine linear low density polyethylene and low density polyethylene to create a film that is easily processed attributable to the low density polyethylene and higher tensile strength and flexibility attributable to the linear low density polyethylene.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jennifer A. Chriss whose telephone number is 571-272-7783. The examiner can normally be reached on Monday - Friday 8 am - 4:30 pm.

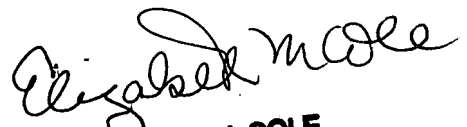
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on 571 - 272-1478. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Jennifer Chriss
May 3, 2007


ELIZABETH M. COLE
PRIMARY EXAMINER